

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.218 OF 2005

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Tata Chemicals Ltd. ...Petitioner

v/s.

M/s.S.Dave & Company
and ors. ...Respondents

...

Mr.Gaurav Joshi with Mr.Vipul Bilve i/b Mulla &
Mulla for the Petitioner.

Mr.Basant Tilokani for Respondents.

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CORAM: D.K.DESHMUKH, J.

DATED: 11TH JULY, 2005

P.C.:

1. By consent of parties the disputes between the parties are referred to Hon'ble Justice Smt.K.K. Baam, (Retd.) to be decided in accordance with Arbitration & Conciliation Act, 1996.

2. The learned Counsel appearing for the Respondents states that the properties at serial Nos. 1 to 5 of Exh.C to the petition are already mortgaged and that no further encumbrance shall be created without seeking leave of the learned arbitrator. So far as the property at item No.6 is concerned, he states that the property is on lease and that no encumbrance shall be created on that property and the property shall not be transferred without seeking leave of the learned Arbitrator. So far as property at serial No.7 is concerned, he states that it is not the property belonging to any of the Respondents. He further states that so far as the property at item No.8 is concerned, this property does not belong to any of the partners. According to him the property belongs to Dhananjay Arts Dave, HUF. He further

states that this property is also encumbered.

He further states that the Respondent No.3 who is the member of Dhananjay Arts Dave, HUF shall not, so far his share in the property is concerned, create any encumbrance on the property, without seeking leave of the learned Arbitrator.

Statements are accepted.

Petition disposed of.

Petitioner shall communicate this order to the learned Arbitrator.

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